

REQUEST FOR COMMENTS

The Supreme Court of Mississippi's Rules Committee on Civil Practice and Procedure seeks comments from the bench, the bar, and the public on the Motion to Amend Rule 4 and Rule 81 of the Mississippi Rules of Civil Procedure filed by the Advisory Committee on Rules. The motion is attached.

Comments must be filed with the Clerk of Appellate Courts at Post Office Box 249, Jackson, Mississippi 39205. **The filing deadline is April 1, 2016.**

89-L-99001

COPY

IN THE SUPREME COURT OF MISSISSIPPI

FILED

IN RE: THE MISSISSIPPI RULES
OF CIVIL PROCEDURE

SEP - 5 2014
OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

MOTION TO AMEND RULE 4 AND RULE 81 OF
THE MISSISSIPPI RULES OF CIVIL PROCEDURE

The Supreme Court Rules Advisory Committee, pursuant to Rule 27 (f) of the Mississippi Rules of Appellate Procedure, recommends that the Court adopt amendments to Rule 4 and Rule 81 of the Mississippi Rules of Civil Procedure, and accompanying Advisory Committee Notes and Form 1D and Form 1DD, all as attached hereto as Exhibit A. In support thereof, the Committee would show unto the Court the following:

1.

The Chancery Judges' Conference, following much discussion and study, formerly proposed that the Committee consider certain changes to Rules 4 and 81 of the Mississippi Rules of Civil Procedure, as a result of jurisdictional issues arising from the differences between a Rule 81 and a Rule 4 summons. The proposal was to move a portion of Rule 81(d) to Rule 4, and amend Rule 81(d) and Rule 4 and the forms associated therewith. The Committee was advised that the proposal was adopted by nearly unanimous support from the Chancery Judges' Conference.

MOTION# 2014-3687

2.

The Committee fully studied the proposal and made several minor changes. The Committee also fully reviewed the prior Comments and drafted appropriate changes to the Advisory Committee Notes for both rules. The Committee, after deliberate study and consideration, was satisfied that the proposal properly addresses the jurisdictional issues raised by the Chancery Judges' Conference. The proposed changes contained herein were unanimously passed by the Committee.

WHEREFORE, the Committee respectfully requests the Court to consider the proposed amendments to Rule 4 and Rule 81 of the Mississippi Rules of Civil Procedure, and the accompanying Advisory Committee Notes, and Form 1D and Form 1DD.

Respectfully submitted, this the 5th day of September, 2014.

MISSISSIPPI SUPREME COURT RULES
ADVISORY COMMITTEE

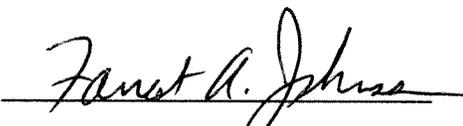
BY: 
FORREST A. JOHNSON, CHAIR

EXHIBIT A

PROPOSED AMENDMENTS TO RULES 4 AND 81

Rule 4. Summons

(a) Summons: Issuance. Upon filing of the complaint, the clerk shall forthwith issue a summons.

(1) At the written election of the plaintiff or the plaintiff's attorney, the clerk shall:

(A) Deliver the summons to the plaintiff or plaintiff's attorney for service under subparagraphs (c)(1) or (c)(3) or (c)(4) or (c)(5) of this rule.

(B) Deliver the summons to the sheriff of the county in which the defendant resides or is found for service under subparagraph (c)(2) of this rule.

(C) Make service by publication under subparagraph (c)(4) of this rule.

(2) The person to whom the summons is delivered shall be responsible for prompt service of the summons and a copy of the complaint. Upon request of the plaintiff, separate or additional summons shall issue against any defendants.

(b) Same: Form.

(1) The summons shall be dated and signed by the clerk, be under the seal of the court, contain the name of the court and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which these rules require the defendant to appear and defend, and shall notify him that in case of his failure to do so judgment by default will be rendered against him for the relief demanded in the complaint. Where there are multiple plaintiffs or multiple defendants, or both, the summons, except where service is made by publication, may contain, in lieu of the names of all parties, the name of the first party on each side and the name and address of the party to be served. Summons served by process server shall substantially conform to Form 1A. Summons served by sheriff shall substantially conform to Form 1AA.

(2) The following actions filed in chancery court are triable 7 days after completion of service of process in any manner authorized by this rule other than by publication, or 30 days after the first publication where process is by publication: removal of disabilities of minority; any temporary relief in divorce, separate maintenance, child custody, or child support; contempt, modification or enforcement of custody, support and alimony judgments; and estate matters and wards' business in which notice is required but the time for notice is not prescribed by statute. For such actions, a summons returnable to a time

and place certain and in substantial conformity to Form ID or Form 1DD shall be issued commanding the defendant or respondent to appear and defend at a specified time and place, either in term time or vacation, at which such action may be heard. Said time and place may be set by the court. The court may authorize its clerk to set such actions or matters for original hearing and to continue the same for hearing on a later date.

(A) Complaints and petitions filed in the actions enumerated above shall not be taken as confessed. A defendant or respondent's failure to appear at the hearing at the specified time and date at which such action was scheduled to be heard does not constitute an admission or confession of any allegations against such defendant or respondent and cannot be the basis for an entry of default or default judgment.

(B) No answer shall be required in any action above, but any defendant or respondent may file and serve an answer or other pleading, or the court may order a party to answer if it determines that an answer is necessary to properly develop the issues. A party who fails to file and serve an answer after being ordered to do so shall not be permitted to present evidence on its behalf. Any defendant or respondent may file and serve counterclaims and cross-claims pursuant to M.R.C.P. 13 and service of any such counterclaims or cross-claims shall be made pursuant to M.R.C.P. 5

(C) If a defendant or respondent who has been properly served with process pursuant to this Rule does appear at the initial hearing of such action, the clerk shall give notice of any later hearings or proceedings set by court order in the manner provided for in Rule 5, as required by Rule 77(d).

(D) Once the court has acquired personal jurisdiction, Rule 5(b) notice shall be sufficient (1) as to any temporary hearing in a pending divorce, separate maintenance, paternity, custody or support action, provided the defendant or respondent has been summoned to answer the original complaint; and (2) as to any counterclaim or cross-claim filed pursuant to these rules.

(c) Service: [No Change]

(d) Summons and Complaint: *Person to Be Served.* [No Change]

(e) Waiver. [No Change]

(f) Return. [No Change]

(g) Amendment. [No Change]

(h) Summons: Time Limit for Service. [No Change]

Rule 81. Applicability of Rules

(a) Applicability in General. These rules apply to all civil proceedings but are subject to limited applicability in the following actions which are generally governed by statutory procedures.

(1) proceedings pertaining to the writ of habeas corpus;

- (2) proceedings pertaining to the disciplining of an attorney;
- (3) proceedings pursuant to the Youth Court Law ~~and the Family Court Law~~;
- (4) proceedings pertaining to election contests;
- (5) proceedings pertaining to bond validations;
- (6) proceedings pertaining to the adjudication, commitment, and release of narcotics and alcohol addicts and persons in need of mental treatment;
- (7) eminent domain proceedings;
- ~~(8) Title 91 of the Mississippi Code of 1972;~~
- ~~(9) Title 93 of the Mississippi Code of 1972;~~
- ~~(10) (8) creation and maintenance of drainage and water management districts;~~
- ~~(11) (9) creation of and change in boundaries of municipalities;~~
- ~~(12) (10) proceedings brought under sections 9-5-103, 11-1-23, 11-1-29, 11-1-31, 11-1-33, 11-1-35, 11-1-43, 11-1-45, 11-1-47, 11-1-49, 11-5-151 through 11-5-167, and 11-17-33, Mississippi Code of 1972.~~

Statutory procedures specifically provided for each of the above proceedings shall remain in effect and shall control to the extent they may be in conflict with these rules; otherwise these rules apply.

(b) Summary Proceedings. In ex parte matters where no notice is required proceedings shall be as summary as the pertinent statutes contemplate.

(c) Publication of Summons or Notice. Whenever a statute requires summons or notice by publication, service in accordance with the methods provided in _____ shall be taken to satisfy the requirements of such statute.

~~(d) Procedure in Certain Actions and Matters.~~ ~~The special rules of procedure set forth in this paragraph shall apply to the actions and matters enumerated in subparagraphs (1) and (2) hereof and shall control to the extent they may be in conflict with any other provision of these rules.~~

~~(1) The following actions and matters shall be triable 30 days after completion of service of process in any manner other than by publication or 30 days after the first publication where process is by publication, to-wit: adoption; correction of birth certificate; alteration of name; termination of parental rights; paternity; legitimation; uniform reciprocal enforcement of support; determination of heirship; partition; probate~~

~~of will in solemn form; caveat against probate of will; will contest; will construction; child custody actions; child support actions; and establishment of grandparents' visitation.~~

~~(2) The following actions and matters shall be triable 7 days after completion of service of process in any manner other than by publication or 30 days after the first publication where process is by publication, to wit: removal of disabilities of minority; temporary relief in divorce, separate maintenance, child custody, or child support matters; modification or enforcement of custody, support, and alimony judgments; contempt; and estate matters and wards' business in which notice is required but the time for notice is not prescribed by statute or by subparagraph (1) above.~~

~~(3) Complaints and petitions filed in the actions and matters enumerated in subparagraphs (1) and (2) above shall not be taken as confessed.~~

~~(4) No answer shall be required in any action or matter enumerated in subparagraphs (1) and (2) above but any defendant or respondent may file an answer or other pleading or the court may require an answer if it deems it necessary to properly develop the issues. A party who fails to file an answer after being required so to do shall not be permitted to present evidence on his behalf.~~

~~(5) Upon the filing of any action or matter listed in subparagraphs (1) and (2) above, summons shall issue commanding the defendant or respondent to appear and defend at a time and place, either in term time or vacation, at which the same shall be heard. Said time and place shall be set by special order, general order or rule of the court. If such action or matter is not heard on the day set for hearing, it may by order signed on that day be continued to a later day for hearing without additional summons on the defendant or respondent. The court may by order or rule authorize its clerk to set such actions or matters for original hearing and to continue the same for hearing on a later date.~~

~~(6) notice shall be sufficient as to any temporary hearing in a pending divorce, separate maintenance, custody or support action provided the defendant has been summoned to answer the original complaint.~~

~~(e) (d) **Proceedings Modified.** The forms of relief formerly obtainable under writs of fieri facias, scire facias, mandamus, error coram nobis, error coram vobis, sequestration, prohibition, quo warranto, writs in the nature of quo warranto, and all other writs, shall be obtained by motions or actions seeking such relief.~~

~~(f) (e) **Terminology of Statutes.** In applying these rules to any proceedings to which they are applicable, the terminology of any statute which also applies shall, if inconsistent with these rules, be taken to mean the analogous device or procedure proper under these rules; thus (and these examples are intended in no way to limit the applicability of this general statement):~~

~~*Bill of complaint, bill in equity, bill, or declaration* shall mean a *complaint* as specified in these rules;~~

Plea in abatement shall mean *motion*;

Demurrer shall be understood to mean *motion to strike* as set out in Rule 12(f);

Plea shall mean *motion* or *answer*, whichever is appropriate under these rules;

Plea of set-off or *set-off* shall be understood to mean a permissible counterclaim;

Plea of recoupment or *recoupment* shall refer to a compulsory counterclaim;

Cross-bill shall be understood to refer to a counter-claim, or a cross-claim, whichever is appropriate under these rules;

Revivor, *revive*, or *revived*, used with reference to actions, shall refer to the substitution procedure stated in Rule 25;

Decree pro confesso shall be understood to mean entry of default as provided in Rule 55;

Decree shall mean a judgment, as defined in Rule 54;

(g) (f) Procedure Not Specifically Prescribed. When no procedure is specifically prescribed, the court shall proceed in any lawful manner not inconsistent with the Constitution of the State of Mississippi, these rules, or any applicable statute.

PROPOSED COMMENTS AND FORMS

Rule 4. Summons

After a complaint is filed, the clerk is required to issue a separate summons for each defendant except in the case of summons by publication. For actions other those listed in Rule 4(b)(2), the summons must contain the information required by Rule 4(b)(1), which requires the summons to notify the defendant that, among other things, a failure to appear will result in a judgment by default. Although the “judgment by default will be rendered” language may be an overstatement, the strong language is intended to encourage defendants to appear to protect their interests. Forms 1A, 1AA, 1B, and 1C are provided as suggested forms for the various summonses.

Rule 4(b)(2) recognizes that there are certain actions whose nature requires special rules of procedure. Due to their simplicity or need for speedy resolution, such actions should be triable seven days after completion of service, or 30 days after the first publication if service is by publication. Due to the nature of these actions, the respondent’s or defendant’s failure to appear does not constitute an admission or confession of any allegations and cannot be the basis for a default judgment. For those actions listed in Rule 4(b)(2), a different summons must be used and it shall be returnable at a time and place certain. Forms 1D and 1DD are provided as suggested forms for the summons for the actions listed in Rule 4(b)(2).

The summons and a copy of the complaint must then be served on each defendant. This rule provides for personal service, residence service, first-class mail and acknowledgement service, certified mail service, and publication service.

Personal service is authorized by Rule 4(d)(1)(A) and requires delivery of a copy of the complaint and the summons to the person to be served.

Residence service is authorized by Rule 4(d)(1)(B) and requires that a copy of the complaint and the summons be left at the defendant’s usual place of abode with the defendant’s spouse or other family member who is above the age of sixteen and who is willing to accept service. Residence service further requires that a copy of the summons and complaint be thereafter mailed to the defendant at the location where the complaint and summons were left.

Personal service and residence service may be made by a process server or the sheriff in the county where the defendant resides or can be found. A party using a process server may pay such person any amount that is agreed upon but only that amount statutorily allowed as payment to the sheriff under Mississippi Code Annotated section 25-7-19 (Supp. 2013) may be taxed as recoverable costs in the action. Summonses served by process servers should be in substantial conformity with Form 1A and summonses served by sheriffs should be in substantial conformity with Form 1AA.

First-class mail and acknowledgement service is authorized by Rule 4(c)(3). The plaintiff must mail the defendant a copy of the summons and complaint, two copies of a notice and acknowledgement conforming substantially to Form 1B, and a postage paid envelope addressed to the sender. Upon receipt, the defendant may execute the

acknowledgement of service under oath or by affirmation. If the defendant fails to execute and return the acknowledgement of service in a timely fashion, the defendant may be ordered to pay the costs incurred by the plaintiff in serving the defendant by another method. This provision is intended to encourage a defendant to acknowledge service by first class mail in order to avoid having to pay the costs that would otherwise be incurred by the plaintiff in serving that defendant. Execution and return of the acknowledgement of service does not operate as a waiver of objections to jurisdiction or venue. All jurisdictional and venue objections are preserved whether Form 1B is completed and returned from inside or outside the State. Although M.R.C.P. 4(c)(3) is modeled after Fed. R. Civ. P. 4(d), defendants who execute and return the acknowledgement of service under M.R.C.P. 4(c)(3) are acknowledging actual service, whereas defendants who execute and return the waiver under Fed. R. Civ. P. 4(d) are waiving service.

Publication service is authorized by Rule 4(c)(4) and is limited to defendants in chancery court proceedings and other proceedings where service by publication is authorized by statute. Service by publication is further limited to defendants who are nonresidents or who cannot be found within the state after diligent inquiry. The requirements for service by publication are detailed in the rule and must be strictly followed; otherwise service is ineffective. See *Caldwell v. Caldwell*, 533 So. 2d 413 (Miss. 1988).

Certified mail service is authorized by Rule 4(c)(5) and is limited to persons outside the state. The plaintiff must send a copy of the summons and complaint to the person to be served by certified mail, return receipt requested [and must thereafter mail by first class mail, postage prepaid, a copy of the summons and complaint to the person to be served at the same address.¹ The Proof of Service must indicate the date on which the summons and complaint were mailed by first class mail and² must also include as an attachment the signed return receipt or the return envelope marked “refused.” Service upon a foreign corporation, partnership or unincorporated association is effective even if the certified mail is delivered to and signed for or refused by a person other than the addressee, if the person accepting delivery and signing or refusing delivery is an officer or employee of the defendant who is authorized to receive or who regularly receives certified mail. See *Flagstar Bank, FSB v. Danos*, 46 So. 3d 298 (Miss. 2010) (finding service by certified mail upon a foreign corporation effective where the plaintiff addressed the certified mail to the foreign corporation’s registered agent for service of process and the certified mail was delivered to the proper address and signed for by the mail clerk rather than the registered agent). Service of process is not effective under Rule 4(c)(5) if the mailing is returned marked “unclaimed/refused”, “unclaimed” or “undeliverable as addressed.” See *Bloodgood v. Leatherwood*, 25 So. 3d 1047 (Miss. 2010).

Rule 4(d) identifies the person to be served with process when the defendant is: (i) a mentally competent married infant or a mentally competent adult; (ii) an unmarried infant; (iii) a mentally incompetent person who is not judicially confined to an institution

¹ This is the language proposed to the comment which accompanies the Motion to Amend Rule 4(c)(5) now pending before the Supreme Court.

² Ibid.

for the mentally ill or mentally deficient; (iv) a mentally incompetent person who is judicially confined to an institution for the mentally ill or mentally deficient; (v) an individual confined to a penal institution of this state or a subdivision of this state; (vi) a domestic or foreign corporation, partnership or unincorporated association subject to a suit under a common name; (vii) the State of Mississippi or one of its departments, officers or institutions; (viii) a county; (ix) a municipal corporation; or (x) any other governmental entity.

Rule 4(e) provides for waiver of service of the summons and complaint. A waiver must be executed after the day on which the action was commenced and thus may be executed without a summons having been issued.

Rule 4(f) provides that the person serving the process shall promptly file a return of service with the court. For first-class mail and acknowledgement service, proof of service is to be made by filing a copy of the executed acknowledgement of service. For certified mail service, proof of service is to be made by filing the return receipt or the envelope marked "Refused." The purpose of the requirement for prompt filing of the proof of service is to enable the defendant to verify the date of service by examining the proof of service in the court records.

Rule 4(h) provides that if service is not made upon a defendant within 120 days after the filing of the complaint, the claims against that defendant will be dismissed without prejudice absent good cause for the failure to timely serve the defendant. If service cannot be made within the 120 day period, it is clearly advisable to move the court within the original time period for an extension of time in which to serve the defendant. If the motion for extension of time is filed within the 120 day time period, the time period may be extended for "cause shown" pursuant to Rule 6(b)(1). If a motion for extension of time is filed outside of the original 120 day time period, the movant must show "good cause" for the failure to timely serve the defendant pursuant to Rule 4(h). See *Johnson v. Thomas*, 982 So. 2d 405 (Miss. 2008).

Rule 81. Applicability of Rules

Rule 81 complements Rule 1 by specifying which civil actions are governed only partially, or not at all, by the provisions of the M.R.C.P.

Rule 81(a) lists ~~12~~ 10 categories of civil actions which are not governed entirely by the M.R.C.P. In each of those actions there are statutory provisions detailing certain procedures to be utilized. *See generally* Miss. Code Ann. §§11-43-1, *et seq.*, (habeas corpus); 73-3-301, *et seq.*, (disciplining of attorneys); 43-21-1, *et seq.*, (youth court proceedings); 23-15-911 *et seq.* (election contests); 31-13-1, *et seq.*, (bond validation); 41-21-61, *et seq.*, (persons with mental illness or an intellectual disability); 41-30-1, *et seq.*, (adjudication, commitment and release of alcohol and drug addicts); 11-27-1, *et seq.*, (eminent domain); ~~91-1-1, *et seq.*, (trusts and estates); 93-1-1, *et seq.*, (domestic relations);~~ 51-29-1, *et seq.*, and 51-31-1, *et seq.*, (creation and maintenance of drainage and water management districts); 21-1-1, *et seq.*, (creation of and change in boundaries of municipalities); and those proceedings identified in category (12) by their Code Title as follows: 9-5-103 (bonds of receivers, assignees, executors may be reduced or cancelled, if excessive or for sufficient cause); 11-1-23 (court or judge may require new security); 11-1-29 (proceedings on death of surety on bonds, etc.); 11-1-31 (death of parties on bonds having force of judgment—citation in anticipation of judgment); 11-1-35 (death of parties on bonds having force of judgment when citation issued and returnable); 11-1-43 through 11-1-49 (seizure of perishable commodities by legal process); 11-5-151 through 11-5-167 (receivers in chancery); and 11-17-33 (receivers appointed for nonresident or unknown owners of mineral interests).

However, in any instance in the ~~twelve~~ ten listed categories in which the controlling statutes are silent as to a procedure, the M.R.C.P. governs.

As to ex parte matters, Rule 81(b) is intended to preserve, inter alia, the summary manner in which many matters testamentary, of administration, in minors/wards' business, and in cases of idiocy, lunacy, and persons of unsound mind are handled. *See* Miss. Code Ann. §11-5-49 (1972).

Rule 81(c) pertains to actions or matters where a statute requires that summons or notice be made by publication. In those instances, publication as provided by Rule 4 shall satisfy the requirements of such statute(s).

~~Rule 81(d) recognizes that there are certain actions and matters whose nature requires special rules of procedure. Basically these are matters of which the State has an interest in the outcome or which because of their nature should not subject a defendant/respondent to a default judgment for failure to answer. Furthermore, they are matters that should not be taken as confessed even in the absence of the appearance of the defendant/respondent. Most of the matters enumerated are peculiar to chancery court. Rule 81(d) divides the actions therein detailed into two categories. This division is based upon the recognition that some matters, because of either their simplicity or need for speedy resolution, should be triable after a short notice to the defendant/respondent.~~

while others, because of their complexity, should afford the defendant/respondent more time for trial preparation.

Rule 81(d)(3) provides that the pleading initiating the action should be commenced by complaint or petition only and shall not be taken as confessed. Initiating Rule 81(d) actions by "motion" is not intended.

Rule 81(d)(5) recognizes that since no answer is required of a defendant/respondent, then the summons issued shall inform him of the time and place where he is to appear and defend. If the matter is not heard on the date originally set for the hearing, the court may sign an order on that day continuing the matter to a later date. The rule also provides that the Court may adopt a rule or issue an order authorizing its Clerk to set actions or matters for original hearings and to continue the same for hearing on a later date. (Local rules should be filed with the Supreme Court as required by Rule 83).

Rule 81(d)(6) provides that as to any temporary hearing in a pending action for divorce, separate maintenance, child custody or support, notice in the manner prescribed by Rule 5(b) shall be sufficient, provided the defendant/respondent has already been summoned to answer.

FORM 1D. RULE 81 4(b)(2) SUMMONS

(Sheriff or Process Server)

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI

A. B., Plaintiff(s)

v.

Civil Action, File No.

C. D., Defendant(s)

SUMMONS

THE STATE OF MISSISSIPPI

TO: (Insert the name and address of the person to be served)

NOTICE TO DEFENDANT(S)

THE COMPLAINT OR PETITION WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are summoned to appear and defend against said complaint or petition at _____ O'Clock __.M. on the _____ day of _____ 19__, 2__, in the courtroom of the _____ County Courthouse at _____, Mississippi, _____ Court of _____ County, Mississippi, and in case of your failure to appear and defend a judgment will may be entered against you for the money or other things demanded in the complaint or petition.

You are not required to file an answer or other pleading unless you are so ordered by the court but you may do so if you desire.

Issued under my hand and the seal of said Court, this _____ day of _____ 19__.

(Seal) _____ Clerk of _____ County, Mississippi

(Note: All summons issued to the sheriff or process server must be returned prior to the time the defendant is summoned to appear.)

FORM 1DD. RULE 84 4(b)(2) SUMMONS

(Summons by Publication)

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI

A.B., Plaintiff(s)

(It is sufficient here to state the name of the first plaintiff with an appropriate designation of other plaintiffs.)

v.

Civil Action, File No.

C.D., Defendant(s)

(It is sufficient here to state the name of the first defendant with an appropriate designation of other defendants.)

SUMMONS

THE STATE OF MISSISSIPPI

TO: (Insert name of the person(s) to be served.)

You have been made a Defendant in the suit filed in this Court by _____ (Insert name of all Plaintiffs), Plaintiff(s) seeking _____ (Insert a brief description of the relief being sought). Defendants other than you in this action are _____ (Insert names of all defendants other than the person or persons who are the subject of this summons).

You are summoned to appear and defend against the complaint or petition filed against you in this action at _____ O'Clock __.M. on the _____ day of _____ 19__, in the courtroom of the _____ County Courthouse at _____, Mississippi, 2 __, in the _____ Court of _____, County, Mississippi, and in case of your failure to appear and defend a judgment will may be entered against you for the money or other things demanded in the complaint or petition.

You are not required to file an answer or other pleading unless you are so ordered by the court but you may do so if you desire.

Issued under my hand and the seal of said Court, this _____ day of _____, 2__ 19__.

(Seal) _____ Clerk of _____ County, Mississippi